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**BY ECF**

Hon. Ronald L. Ellis  
United States District Court  
500 Pearl Street, Suite 1970  
New York, NY 10007-1312

**Re: Pinks, et al. v. M&T Bank - 13 Civ. 1730 (LAK)(RLE)**

Dear Magistrate Judge Ellis:

We write to inform the Court that footnote 1, p. 1 of the Joint Letter of January 22, 2016 (DI 121 at 1 n. 1), is neither jointly approved matter nor filed with the authorized use of my signature. Therefore, we ask the Court to ignore it as joint matter and consider it solely as part of defendant's statement of position. As confirmed by the emails attached, defense counsel knowingly filed the document in this format after I expressly advised him that the use of Plaintiff's counsel's names and my signature on this document as submitted was not authorized or agreed . (See, Ex. 1).

Respectfully,

s//Daniel V. Gsovski

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cc: All counsel (by ECF)